

Remarks

The following is a response to the Office Action dated March 20, 2003.

Claims 1-3 and 5-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brain U.S. patent 5,241,956; and claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Brain in view of Sato U.S. patent 5,392,774.

Turning to the Brain citation, this describes a laryngeal mask device where the airway tube 11 is made of a rigid metal (column 8, lines 2 to 4) and the mask body 13 is of a silicone rubber (Column 4, lines 55 and 56). Clearly, these two components must be made separately from different materials and by different manufacturing techniques and must be subsequently joined together. In *Howard v Detroit Stove Works*, 150 U.S. 164, 37 L.Ed.1089, 14 S.Ct. 68 (1893), the prior art was for two pieces both of the same material, namely cast iron, so this case is not directly relevant to the present invention.

Although it might be considered obvious to make two different components as a single piece where the two components are of the same material, the teaching of the Brain citation is that the airway tube and mount must be made of very different materials. The teaching of the Brain document, therefore, is that these components be made as separate components, not as one integral component and, more particularly, not as a single molded plastics component in the manner specified by the amended claims. Therefore, the present invention as defined by the amended claims could clearly not be said to be obvious over the Brain citation. If anything, Brain actually teaches away from the instant invention by specifying that the components be separate and made of different materials. This is particularly true with respect to method claims 6 and 7 in which the mask of Brain could not conceivably be made by the method of manufacture as claimed.

The Examiner states, in paragraph 6, that the inflation line of Brain extends in a groove along the outside of the tube. There does not appear to be any reference to the Brain inflation line being attached along the airway tube in any way and, more especially, there is no mention of any groove along the airway tube. The rejection of Claim 3 by the Examiner is therefore not justified.

In view of the foregoing, it is respectfully submitted that the instant invention is patentable over the prior art. Accordingly, the examiner is respectfully requested to reconsider the application and pass the same to issue.

Respectfully submitted,



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